

BOARD OF SELECTMEN
Monday, January 10, 2005
Town Hall – Meeting Hall

SELECTMEN PRESENT: Peter Charter, Dennis Frawley, Mark Leighton, Dennis Milanovich, A. Leo Miller, Michael Stupinski and Nancy Way

OTHERS PRESENT: Town Planner: M. Davis and his attorney Marc Mercier;
Building Official: P. Williams; Ad Hoc Committee to Study
Additional Tax Relief: B. Kenny and other members;
Human Service Director: D. Crayton; Finance Officer: N.
DiCorleto; DPW Director: P. Michaud; Cingular Wireless
Representative: S. Howard; Planning & Zoning
Commission: E. Zahner, C. Aucter; Conservation
Commission: S. Costello, J. Gage; Inland Wetlands
Agency: K. Braga; Fire Marshal: A. Lawrence; E.
Boothroyd; Hartford Courant: R. Labossiere; Journal
Inquirer: A. Rabkin

I. CALL TO ORDER:

First Selectman Milanovich called the meeting of the Board of Selectmen (BOS) to order at 8:10 p.m.

II. CITIZENS' FORUM: No one came forward.

III. APPROVAL OF MINUTES:

A. December 13, 2004 Board of Selectmen Meeting:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO AMEND THE DECEMBER 13, 2004 BOARD OF SELECTMEN REGULAR MEETING MINUTES AS FOLLOWS: ITEM XI. EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING: ITEMS A&B; AFTER MOTION TO GO INTO EXECUTIVE SESSION LIST NAME OF INDIVIDUALS IN ATTENDANCE AS FOLLOWS: PETER CHARTER, DENNIS FRAWLEY, MARK LEIGHTON, DENNIS MILANOVICH, A. LEO MILLER, MICHAEL STUPINSKI AND NANCY WAY.

MOVED (FRAWLEY) SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 13, 2004 BOARD OF SELECTMEN REGULAR MEETING MINUTES AS AMENDED.

B. January 3, 2005 Board of Selectmen Special Meeting

MOVED (WAY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 3, 2005 BOARD OF SELECTMEN MEETING MINUTES.

IV. UNFINISHED BUSINESS:

- A. Update on Status of Plan of Conservation and Development
- B. Update on Status of Planning & Zoning Regulations Revisions

Items A. and B. were discussed together. Mr. Davis stated that nothing has changed since his report at the December BOS meeting. He has distributed documents to the Land Use Commission members and will schedule a workshop in January to review the documents and to determine a budget for the updates.

C. Personnel Issue: Matt Davis

Mr. Davis and Attorney Mercier came forward. Mr. Leighton noted that Mr. Davis asked him to recuse himself from discussion on this item last month. Attorney Mercier did not think that was necessary at this point. Attorney Mercier stated that a resolution to this matter would include rescinding the letters of reprimand and to establish a process of communication to allow Department Heads who report to the First Selectman to discuss and resolve problems or concerns that arise in the Departments and with the Town in general but not restrict the constitutional rights to speak out on matters of public concern.

Mr. Milanovich referenced a letter of understanding he wrote to Mr. Davis dated December 30, 2004 objecting to Mr. Davis perception that his first order of reporting was to the Land Use Boards Chairmen which was contrary to the Charter. Mr. Milanovich stated that the Charter defines the chain of command as the Town Planner, appointed by the Board of Selectmen, serves as technical advisor to the Land Use Commissions and reports to the First Selectman and Board of Selectmen.

Attorney Mercier stated that there is not a dispute regarding the chain of command but there is a dispute regarding disseminating information. Mr. Milanovich noted that the revised personnel rules and regulations defines communications and problem solving and outlines a grievance procedure. Attorney Mercier stated that Mr. Davis will comply with the personnel rules and regulations if they do not violate his constitutional rights.

Mr. Milanovich stated that in a general sense, Mr. Davis and he have agreed to talk more. Mr. Davis asked for an acknowledgement by the BOS that the communication process does not deny his right to communicate matters of public interest, and as long as that is understood, he thinks they have an agreement. The BOS acknowledged that there is an understanding.

D. Mutual Aid Agreement/Building Officials

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT STEVE DUPRE, BUILDING OFFICIAL FOR THE TOWN OF SOMERS AND WENDELL AVERY, BUILDING OFFICIAL FOR THE TOWN OF STAFFORD AS ASSISTANT BUILDING OFFICIALS FOR THE TOWN OF ELLINGTON TO PERFORM

THE DUTIES OF BUILDING OFFICIAL FOR THE TOWN OF ELLINGTON, WHEN REQUIRED, AS SPECIFIED IN THE MEMORANDUM OF UNDERSTANDING WHICH WAS APPROVED BY THE BOARD OF SELECTMEN ON NOVEMBER 15, 2004 AND EXECUTED BY THE FIRST SELECTMAN ON JANUARY 6, 2005.

E. Personnel Rules and Regulations Revision

Mr. Milanovich stated that he is waiting for various language revisions to be submitted to his office. Once received, he will incorporate them and provide the BOS with a revised copy of the Personnel Rules and Regulations. This item was tabled to the February 7, 2005 meeting.

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADD ITEM F. FIRE HYDRANTS TO UNFINISHED BUSINESS.

F. Fire Hydrants

Mr. Charter asked for an update on the Fire Hydrants. Mr. Milanovich stated that 7 hydrants have been identified (not the 10 reported last month) that do not have steamer connections and he is meeting with the Connecticut Water Company on January 21, 2005 to review the schedule for corrective action.

V. NEW BUSINESS:

A. Tax Refunds/Abatements:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$2,825.70, AS RECOMMENDED BY THE TAX COLLECTOR IN THE REFUNDS/ABATEMENTS STATEMENT.

B. Open Space Land Acquisition – Porter Road (Richards):

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE PURCHASE OF A PARCEL OF LAND LOCATED OFF PORTER ROAD IN ELLINGTON, DEPICTED ON ASSESSOR'S MAP AS 144-010-0000, FROM WILLIAM S. RICHARDS, IN THE AMOUNT OF \$16,000, 44% OF WHICH WILL BE REIMBURSED THROUGH STATE GRANT, TO BE DESIGNATED AS OPEN SPACE AND TO AUTHORIZE THE FIRST SELECTMAN TO EXECUTE THE SALE AND PURCHASE AGREEMENT FOR THE PURCHASE OF THE AFOREMENTIONED PROPERTY.

C. Mutual Financing–CCM Amicus Curiae: CL&P Streetlight Rates:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE TOWN OF ELLINGTON'S PARTICIPATION IN THE MUTUAL FINANCING OF CCM's AMICUS CURIAE INTERVENTION PROCEEDINGS BEFORE THE DPUC CONCERNING CL&P STREETLIGHT ISSUES IN AN AMOUNT NOT TO EXCEED \$800.

D. Mutual Financing–CCM Amicus Curiae: Kelo v. New London – Eminent Domain

The BOS was opposed to supporting CCM's participation in the Amicus Curiae regarding eminent domain.

E. Acceptance of Land to be added to Tripp Road:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ACCEPT CONVEYANCE OF PORTION OF LAND, FROM ANTHONY, MARK AND EDWARD SPAZZARINI, EAGLE ESTATES SUBDIVISION, AS APPROVED BY PLANNING AND ZONING COMMISSION, TO BE ADDED TO TRIPP ROAD, AS DEFINED ON THE DEED ATTACHED TO THESE MINUTES AND AUTHORIZE THE TOWN PLANNER TO RECORD THE TENDERED DEED PURSUANT TO THIS AUTHORIZATION AND THE SUBDIVISION REGULATIONS.

F. Cell Tower Proposal – Pinnacle Road:

MOVED (FRAWLEY), SECONDED (CHARTER) TO APPROVE THE CONSTRUCTION OF A CELL TOWER BY CINGULAR TELECOMMUNICATIONS ON TOWN-OWNED PROPERTY KNOWN AS KIMBALL FOREST, ASSESSOR'S MAP 084-013-0000, AT SITE LOCATION A *or* B, AS PROVIDED IN THE SITE PLAN, PENDING REVIEW/APPROVAL OF LEASE AGREEMENT.

Discussion:

Pete Michaud and Steve Howard came forward. Mr. Howard stated that Cingular approached the Town to construct a communication tower to provide better coverage and improve communication needs. He reviewed the preliminary drawings pointing out the proposed location options. He noted that the Connecticut Siting Council will make final approval with input from the Town. It was pointed out that the motion should not approve the construction but the concept of the cell tower.

Mr. Milanovich stated that the proposed communication tower will provide revenue through the value of the lease and tax revenues from assessment of the equipment and will allow the Town to access the tower for telecommunication needs. Mr. Howard stated that the Town will be offered space on the tower at no charge. Mr. Michaud stated that the cell tower will improve the existing Town radio system and provide a backup to the existing station.

Mr. Costello questioned why the proposal was not presented to the Land Use Commissions first. Mr. Milanovich explained that the BOS must determine if the proposal is in the best interest of the Town before going through the time and expense of presenting it to the Land Use Boards.

Mr. Miller questioned using open space for this purpose, citing concerns with aesthetics.

Mr. Boothroyd stated that placement of a tower on Site B, Pinnacle Road, may interfere with the proposed re-alignment of Pinnacle Road and RT 140. He suggested placing the tower on the 8 acre parcel on the east side of Pinnacle Road. He also questioned if a bond for removal will be requested and if a fall zone will be required.

Mr. Howard stated that the tower is engineered not to fall but the Siting Council will require a tower fall zone. Mr. Howard was not opposed to the alternate site proposed by Mr. Boothroyd; however, he noted that Cingular prefers to keep the towers away from homes. Mr. Howard also noted that the tower will assist in complying with the FCC's push to identify location of cell phones calling 911.

The consensus of the BOS is to move forward with the proposal from Cingular Wireless, to consider the adjacent contiguous parcel on Pinnacle Road and to forward the proposal to the Land Use Commissions.

Mr. Frawley withdrew his motion; Mr. Charter withdrew his second to the motion.

G. Report from Ad Hoc Committee -Tax Relief for Elderly/Disabled:

Brian Kenny came forward. He reviewed the Committee's recommendation that the Town of Ellington match the current State Circuit Breaker Program for fiscal year 2005-2006 (without a lien), followed by a review for the consideration of implementing the raising of the minimum income requirements above the State's for 2006-2007 to raise the Circuit Breaker guidelines to coincide with the HUD low income level for a household of 2 for the Hartford MSA at that time (this income level was \$46,000 for 2004 vs. the State Circuit Breaker maximum income level of \$32,300). Mr. Kenny explained the process the Committee followed, which included meetings with the Tax Collector and Assessor and the survey of 12 area towns. He noted that the recommendation starts out with a limited scope that can be expanded by the BOS on a year to year basis.

Mr. Milanovich thanked the committee members for their time and work.

MOVED (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ACCEPT THE REPORT FROM THE AD HOC COMMITTEE TO STUDY TAX RELIEF PROGRAM FOR THE ELDERLY AND DISABLED AND TO FORWARD THE REPORT TO THE BOARD OF FINANCE FOR CONSIDERATION PER STATE STATUTE SEC. 12-129n (b).

VI. ADMINISTRATIVE REPORTS: (so noted.)

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee:

1. Resignations: None.

2. Appointments:

MOVED (STUPINSKI), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO REAPPOINT MARIE BEDOR TO THE BOARD OF ASSESSMENT APPEALS FOR A THREE-YEAR TERM TO JANUARY 31, 2008.

MOVED (STUPINSKI), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO REAPPOINT ALLEN BUMP AND THOMAS DAVENPORT AS MARINE CONSTABLES FOR A ONE-YEAR TERM TO JANUARY 31, 2006, AS RECOMMENDED BY SGT. KONIECZNY.

MOVED (STUPINSKI), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT DONALD DAVIS AS THE EMERGENCY MANAGEMENT DIRECTOR AND CHAIRMAN OF S.A.R.A. LOCAL EMERGENCY PLANNING COMMITTEE FOR A TWO-YEAR TERM TO JANUARY 31, 2007.

MOVED (STUPINSKI), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT CHRISTINE MURPHY TO THE INLAND/WETLANDS AGENCY FOR A FOUR-YEAR TERM TO JANUARY 31, 2009.

MOVED (STUPINSKI), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO REAPPOINT DONALD McCONNELL AS A REGULAR MEMBER TO THE INLAND/WETLANDS AGENCY FOR A FOUR-YEAR TERM TO JANUARY 31, 2009, CHANGING HIS STATUS FROM ALTERNATE MEMBER.

MOVED (STUPINSKI), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO APPOINT STEVEN HOFFMAN AS AN ALTERNATE MEMBER TO THE INLAND/WETLANDS AGENCY FOR A TWO-YEAR TERM TO JANUARY 31, 2007.

MOVED (STUPINSKI), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO APPOINT RICHARD CLEARY TO THE BOARD OF FINANCE TO FILL AN UNEXPIRED REPUBLICAN TERM TO DECEMBER 5, 2005.

VIII. SELECTMEN LIAISON REPORTS: None.

IX. FIRST SELECTMAN'S REPORT:

Mr. Milanovich referenced the Engineering Report on the Pinney House. He will put a package together for the State Legislators who are going to request financial assistance from the State.

X. CORRESPONDENCE: None.

XI. ADJOURNMENT:

MOVED (LEIGHTON), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 9:47 P.M.

Submitted by _____ Approved by _____